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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,692	03/09/2004	Colby Nash	FY.51040US1A	2923
20995	7590	06/18/2008	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				BROWN, DREW J
ART UNIT		PAPER NUMBER		
3616				
			NOTIFICATION DATE	DELIVERY MODE
			06/18/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
eOAPilot@kmob.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/796,692	NASH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	DREW J. BROWN	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 3/20/08 (RCE).
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2,4-36 and 38-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1,2,4-17, 23-34, 36, 38, 39, and 41-46 is/are allowed.
- 6) Claim(s) 18-22,35 and 40 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/27/08</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/10/-7 has been entered.

### ***Claim Objections***

2. Claim 40 is objected to because of the following informalities: In line 2, "of rear differential" should be changed to --of a rear differential--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 18-22, 35, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furuhashi et al. (U.S. Pat. No. 5,327,989).

With respect to claim 18, at least one wheel (2) is rotatable about an axis, a suspension arm (31) is configured to suspend the wheel from the frame, the frame including at least first and second vertical members (36, 36, Figure 5) extending generally vertically, each vertical member supporting an end of the suspension arm on generally opposite sides of the suspension arm (Figure 6), the vertical members spaced apart from each other fore to aft and arranged on opposite sides of the axis of the wheel (Figure 5), the suspension arm being coupled to the vertical members in a manner permitting the suspension arm to swing relative to the frame (Figure 7). The first vertical member supports the first end of the first suspension arm and the

third end of the second lower suspension arm such that the first and third ends are aligned with the first vertical member, and the second vertical member supports the second end of the first suspension arm and the fourth end of the second lower suspension arm such that the second and fourth ends are aligned with the second vertical member (Figure 5).

With respect to claim 19, the frame additionally includes first (5) and second (34) horizontal members extending generally horizontally fore to aft to support the vertical members (Figure 7).

With respect to claim 20, a second suspension arm (33) is spaced vertically apart from the first suspension arm (Figure 4), the second suspension arm also being coupled to the vertical members in a manner permitting the second suspension arm to swing relative to the frame (Figure 7), and a link coupling the first and second suspension arms together (Figure 4), the link supporting the wheel (Figure 4).

With respect to claim 21, the tops of the retainers/vertical members are inclined outward relative to a longitudinal center plane of the frame, which extends generally vertically and fore to aft (Figures 4, 5, and 7).

With respect to claim 22, the first suspension arm is disposed above the second suspension arm (Figure 4), and the second suspension arm is longer than the first suspension arm (column 6, lines 37-39).

With respect to claim 35, Furuhashi et al. discloses the claimed invention as discussed above and that a differential (19) is coupled to the wheel (Figure 5), one of the first and second vertical members being disposed generally forward of the differential and the other one of the first and second vertical members being disposed generally rearward of the differential (Figure 5), but does not disclose that it is a rear differential. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the front suspension located at the rear of the vehicle, and the engine (12) located at the front of the vehicle so that the front differential is a rear differential, since it has been held that rearranging parts of an invention involves only routine skill in the art.

With respect to claim 40, Furuhashi et al. discloses the claimed invention as discussed above but does not disclose that at least a portion of the rear differential (claim 9) is located above at least a portion of the first upper suspension arm. However, it would have been obvious

to one having ordinary skill in the art at the time the invention was made to have at least a portion of the rear differential located above at least a portion of the first upper suspension arm, since it has been held that rearranging parts of an invention involves only routine skill in the art.

***Allowable Subject Matter***

5. Claims 1, 2, 4-17, 23-34, 36, 38, 39, and 41-46 are allowed.

***Response to Arguments***

6. Applicant's arguments filed 4/10/07 have been fully considered but they are not persuasive. On page 13 Applicant argues that Furuhashi teaches that the suspension arms are misaligned with respect to any vertical orientation, and therefore the first and third ends are not aligned with the first vertical member, and the second and fourth ends are not aligned with the second vertical member. However, the Examiner maintains that the rejection is proper because as broadly interpreted, to be "aligned," elements are not required to be in a straight vertical line. Therefore, Furuhashi et al. discloses that the respective ends of the suspension arms are aligned in an orderly position with the respective vertical members such that the suspension works effectively.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DREW J. BROWN whose telephone number is (571)272-1362. The examiner can normally be reached on Monday-Thursday from 8 a.m. to 4 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Drew J. Brown  
Examiner  
Art Unit 3616

db  
6/5/08

/Kevin Hurley/  
Acting SPE of Art Unit 3616